

1 HEATHER E. WILLIAMS, CA Bar #122664
Federal Defender
2 ERIN SNIDER, CA Bar #304781
Assistant Federal Defender
3 Office of the Federal Defender
2300 Tulare Street, Suite 330
4 Fresno, CA 93721-2226
Telephone: (559) 487-5561
5 Fax: (559) 487-5950

6 Attorneys for Defendant
EDGAR RAFAEL NAVARRO-CHAVOYA
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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 EDGAR RAFAEL NAVARRO-
CHAVOYA,

15 Defendant.
16

Case No. 1:21-cr-00314-NONE-SKO-1

**STIPULATION TO CONTINUE STATUS
CONFERENCE AND TO EXCLUDE TIME;
[PROPOSED] ORDER**

(Doc. 14)

17 IT IS HEREBY STIPULATED by and between the parties through their respective
18 counsel, Assistant United States Attorney Laura Withers, counsel for plaintiff, and Assistant
19 Federal Defender Erin Snider, counsel for Edgar Rafael Navarro-Chavoya, that the status
20 conference currently scheduled for February 7, 2022, at 9:30 a.m. may be continued to February
21 11, 2022, at 9:30 a.m.

22 On December 22, 2021, Mr. Navarro-Chavoya appeared before Judge Sheila K. Oberto
23 for an arraignment on an indictment charging him with a violation of 8 U.S.C. § 1326. At the
24 arraignment, the parties notified Judge Oberto that the government had identified the case as
25 being eligible for the government's early disposition program (also as the fast-track program).
26 Accordingly, Judge Oberto set a status conference for February 7, 2022, before the District
27 Court, with the intention that the hearing would become a plea and sentencing if Mr. Navarro-
28 Chavoya were to accept the government's plea offer. Pursuant to 18 U.S.C. § 3161(h)(7)(A) and

1 (B), Judge Oberto excluded time under the Speedy Trial Act from December 21, 2021, to
2 February 7, 2022, for the purposes of defense investigation, preparation, and plea negotiations.

3 On January 6, 2022, the Court entered a Minute Order continuing the status conference
4 from February 7, 2022, to February 11, 2022, at 9:30 a.m. The Court directed the parties to
5 prepare a stipulation to address time exclusion through February 11, 2022.

6 The parties' respectfully request that the Court find the period from February 7, 2022, to
7 February 11, 2022, excludable under the Speedy Trial Act. To date, the government has provided
8 575 pages of discovery to defense counsel. Defense counsel is continuing to review that
9 discovery and has already identified investigation that must conducted, including gathering state
10 court records. Moreover, due to the current pandemic, Mr. Navarro-Chavoya's continued
11 detention at the Fresno County Jail, and the need for an interpreter, defense counsel requires
12 additional time to communicate with her client regarding discovery and the government's plea
13 offer. The government has no objection to the requested continuance.

14 Based on the above-stated findings, the ends of justice served by continuing the case as
15 requested outweigh the interest of the public and the defendant in a trial within the original date
16 prescribed by the Speedy Trial Act. For the purpose of computing time under the Speedy Trial
17 Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of February 7,
18 2022, to February 11, 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. §§
19 3161(h)(7)(A) and 3161(h)(7)(B)(i), (ii) and (iv) because it results from a continuance granted by
20 the Court at defendant's request on the basis of the Court's finding that the ends of justice served
21 by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

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Respectfully submitted,

PHILLIP A. TALBERT
United States Attorney

Date: January 10, 2022

/s/ Laura Withers
LAURA WITHERS
Assistant United States Attorney
Attorney for Plaintiff

HEATHER E. WILLIAMS
Federal Defender

Date: January 10, 2022

/s/ Erin Snider
ERIN SNIDER
Assistant Federal Defender
Attorney for Defendant
EDGAR RAFAEL NAVARRO-CHAVOYA

ORDER

IT IS SO ORDERED. The period from February 7, 2022, to February 11, 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i), (ii) and (iv) because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial. The status conference currently scheduled for February 7, 2022, at 9:30 a.m. is hereby continued to February 11, 2022, at 9:30 a.m.

IT IS SO ORDERED.

Dated: **January 11, 2022**


UNITED STATES DISTRICT JUDGE